

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CRIMINAL NO. 1:06CR32

FILED
ASHEVILLE, N.C.
MAR 12 2009
U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
KENT DANIEL WILLIAMS)
)
Defendant.)

**FINAL ORDER OF
FORFEITURE
BY CONSENT**

WHEREAS, on April 4, 2006, the Grand Jury for the Western District of North Carolina returned a Bill of Indictment against the Defendant, which Indictment included a Notice of Forfeiture pursuant to 18 U.S.C. §§ 982 and 924(d) of assets listed below;

WHEREAS, on August 16, 2007, Judgment was entered against the defendant, pursuant to his plea of guilty under Fed. R. Crim. P. 11, for the offenses of possession with intent to distribute cocaine, a violation of 21 U.S.C. § 841(a)(1), and using and carrying and possessing a firearm in furtherance of a drug trafficking crime, a violation of 18 U.S.C. § 924(c);

WHEREAS, on July 18, 2007, a Consent Order and Judgment of Forfeiture was entered against the defendant concerning the assets listed below;

WHEREAS, on January 17, 2008, Petitioners Mark B. Walton and Karen W. Walton filed a Petition claiming ownership of five firearms and some scopes. And on March 6, 2009, Petitioners Mark B. Walton and Karen W. Walton filed an Amended Petition claiming ownership of additional firearms;

WHEREAS, On December 3, 10, and 17, 2007, the United States published in the *Asheville Citizen-Times*, a newspaper of general circulation, notice of this forfeiture and of the

intent of the United States to dispose of the forfeited property in accordance with law, and further notifying all third parties of their right to petition the Court within thirty days for a hearing to adjudicate the validity of any alleged legal interest in the property. It appears from the record that no other such claims have been filed.

WHEREAS, it appears that the Petitioners and the United States have reached an agreement;

NOW, THEREFORE, IT IS ORDERED in accordance with Rule 32.2(c)(2):

The Petition of Mark B. Walton and Karen W. Walton is granted in part, and the United States shall turn over the following nine firearms to the Petitioners:¹

1. Professional Ordnance Inc., Carbon 15, 5.56 caliber rifle, SN: CO4387;
2. Winchester, 9422m, .22 caliber rifle, SN: F750452;
11. Remington, Model 700, 338 Ultra magnum rifle, SN: E6620029, with scope;
12. Felix Kohlen, Model unknown, 20 gauge shotgun, SN: 4905;
14. Remington, Model 700, 300 magnum rifle, SN: S6492478, with scope;
15. Remington, Model 700, .270 Winchester caliber rifle, SN: E6502761, with scope;
17. Remington, Model 700, 30.06 caliber rifle, SN: C6485502, with scope;
37. Empire Ejector, 16 gauge shotgun, SN: 707343;
47. Remington, Model 1100, 410 gauge shotgun, SN: R191427H.

¹ The original numbering of the Indictment and Consent Order of Forfeiture is retained.

The Consent Order and Judgment of Forfeiture is confirmed as final, and all right, title, and interest in the following properties, whether real, personal, or mixed, has therefore been forfeited to the United States for disposition according to law:

a. Real Property

Located at 51 Merchants Street, Asheville, North Carolina, in Buncombe County, and described in a Deed at Book 1839, Page 674, of the Buncombe County, North Carolina, Public Registry.

b. Firearms²

3. Cugir Romania, SKS, 7.62 x 39 caliber rifle, SN: GN2012.
4. Norinco, Mak 90 Sporter, 7.62 x 69 caliber rifle, SN: 9450320.
5. Winchester, Model 94, 30-30 caliber rifle, SN: 94132083.
6. Norinco, Model Mak 90 Sporter, 7.62x69 caliber rifle, SN: 94132083.
7. Remington, Model 700, .222 caliber rifle, SN: E6442201.
8. Winchester, Model 1300, 12 gauge shotgun, SN: L3304882.
9. Ruger Model 10-22, .22 caliber rifle, SN: 110-85852.
10. Winchester, Model 37A, 12 gauge shotgun, SN: C578573.
13. Stevens, double-barreled, 12-gauge short-barreled shotgun, SN: 5100.
16. Winchester, Model 70 XTR, 30.06 caliber rifle, SN: G1371467.
18. Remington, Model 700, 30.06 caliber rifle, SN: 6312479.
19. Mossberg / Maverick 129, Model 88, 12 gauge shotgun, SN: MV51432H.
20. Moisim-Nagt, 7.62x54 caliber rifle, SN: 77488.

² The original numbering of the Indictment and Consent Order of Forfeiture is retained

21. Remington, Model 1187-129, 12 gauge shotgun, SN: PC704068.
22. Remington, Model 1100, 12 gauge shotgun, SN: 55676SW.
23. Remington, Model 870 Super Magnum, 12 gauge shotgun, SN: C599474A.
24. Sears, Model 129, 12 gauge shotgun, SN: A251376.
25. Remington, Model 1100, 12 gauge shotgun, SN: R155565V.
26. Remington, Model 550, .22 caliber rifle, SN: K229.
27. Long beach, unknown caliber rifle, SN: 46L0390.
29. Remington, Model 1100, 410 gauge shotgun, SN: R166843H.
30. Colt, Model: SBI Agent (1 of 200), .45 caliber revolver, SN: SA37990.
31. Smith & Wesson, Model 500, .50 caliber revolver, SN: BCE7605.
32. Smith & Wesson, Model 500, .50 caliber revolver, SN: CHT6323.
33. Rogue, Model Chipmunk, .22 rifle, SN: 79895.
34. W H Cashmore, Double barreled, 12 gauge shotgun, SN: 8507.
35. Remington, Model 514, .22 caliber rifle, SN: None.
36. Charles Daley, .45 caliber pistol, SN: C0012942.
38. Winchester, Model 37, 20 gauge shotgun, SN: None.
39. Ruger, Model 77, .17 caliber rifle, SN: 702-84015.
40. Harrington & Richardson, Model 88, 20 gauge shotgun, SN: AU631425.
41. Remington, Model 870 Wingmaster, 16 gauge shotgun, SN: 513467W.
42. Ruger, Model 77, .17 caliber rifle, SN: 702-83269.
43. Ruger, Model Mini 14, 7.62 X 39 caliber rifle, SN: 196-09844.
44. Remington, Model 1100, 12 gauge shotgun, SN: M620209V.

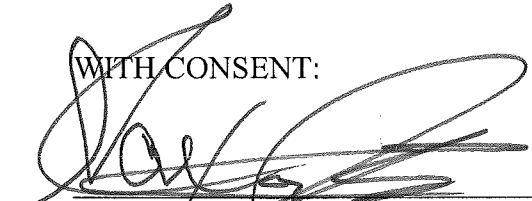
- 45. Ruger, Model Mini 14, 7.62 X 39 caliber rifle, SN: 189-99118.
- 46. High Standard, .22 magnum pistol, SN: D80158.
- 48. Glock, Model 23, .40 caliber pistol, SN: GPX-376.
- 49. Glock, Model 27, .40 caliber pistol, SN: GDH-167.
- 50. Ruger, Model 77, .22 caliber rifle, SN: 702-62501.

The parties shall bear their own expenses, including attorney's fees.

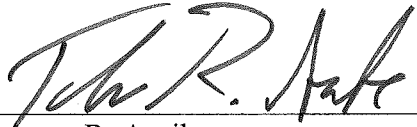
This the 12th day of March, 2009.


LACY H. THORNBURG
UNITED STATES DISTRICT JUDGE

WITH CONSENT:


MAX O. COBBURN, JR.
Attorney for Petitioners Mark B. Walton
and Karen W. Walton

3-9-09
Date.


Thomas R. Ascik
Assistant United States Attorney

3/9/09
Date